IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.THANKAPPAN

TUESDAY, THE 7TH NOVEMBER 2006 / 16TH KARTHIKA 1928

WP(C).No. 29233 of 2006(E)

PETITIONER:

SANTHA NAIR, AGAED 76,
D/O. KALYANI AMMA, THIRUVONAM, T.C.6/1597, 34,
P.T. NAGAR, THIRUVANANTHAPURAM.

BY ADV. SRI.VAZHUTHACADU R.NARENDRAN NAIR
SRI.R.T.PRADEEP

RESPONDENTS:

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1. THE SECRETARY,
DEPARTMENT OF CO-OPERATION, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM.

3. JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), OFFICE OF JOINT REGISTRAR OF
CO-OPERATIVE SOCIETIES, THIRUVANANTHAPURAM.

4. JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (AUDIT), OFFICE OF THE JOINT REGISTRAR
OF CO-OPERATIVE SOCIETIES, THIRUVANANTHAPURAM.

5. ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES, OFFICE OF ASSISTANT REGISTRAR OF
CO-OPERATIVE SOCIETIES, THIRUVANANTHAPURAM.

6. THE CREATIVE ARTS &
CULTURAL CO-OPERATIVE SOCIETIES LTD.NO.4349,
REPRESENTED BY ITS SECRETARY, SASTHAMANGALAM P.O.,
THIRUVANANTHAPURAM-10.

BY G.P.SRI.P.N.SANTHOSH FOR R1 TO R5

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. Thankappan, J.

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W.P.(C). No. 29233 of 2006

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Dated this the 7th day of November, 2006

JUDGMENT

Aggrieved by Exts.P12 and P13 orders passed by respondents 5 and 1 respectively, the petitioner has approached this Court. By Ext.P12 the 5th respondent Assistant Registrar of Co-operative Societies had passed an order in favour of the petitioner. So, as per Ext.P12 order no grievance has to be redressed. In Ext.P13 order passed by the 1st respondent it is stated that on the basis of the report made by the 2nd respondent the allegations raised by the petitioner were baseless. It appears that the petitioner was former President of the 6th respondent Society and audit report for the years 1995 to 2000 cast certain liability on the petitioner. The petitioner filed Ext.P11 complaint before the 3rd respondent. As per section 65 of the Act, the Registrar may hold an inquiry on his own motion or on an inquiry report of the Vigilance Officer or on a report of the Director of Co-operative Audit or on an application by the majority of the members of the committee of the society or on an application by the apex society or on an application of a society. The complaint of the petitioner is not included in any of the above category. If so, the inquiry made by the 2nd respondent is not in accordance with the provisions of the Act and the Rules. Hence, this Court

is not inclined the grant the relief sought in this writ petition. Accordingly, the writ petition is dismissed.

K.Thankappan,
Judge.

mn.

K. Thankappan,J.

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W.P.(C) No. /2006

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Judgment

7-11-2006